

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-43 are now present in the application. Claims 1-10 and 21-43 are withdrawn. Claims 11-20 are currently being prosecuted, of which claim 11 has been amended and claims 11 and 16 are independent. Reconsideration of this application is respectfully requested.

Priority Under 35 U.S.C. §119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. §119, and receipt of the certified priority document.

Drawings

Applicants have not received a Notice of Draftsperson's Patent Drawing Review PTO-948 indicating whether or not the formal drawings have been approved by the Draftsperson. Since no objection has been received, Applicants assume that the drawings are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

Restriction and Election of Species Requirement

The Examiner has made the Restriction and Election of Species Requirement final, and has withdrawn claims 1-10 and 21-43 from further consideration.

Claim Rejections Under 35 U.S.C. § 102

Claims 11-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by FIG. 5 of the instant application. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

The Examiner relied on FIG. 5 of the instant application to reject claims 11-15 under 35 U.S.C. § 102(b), which is inappropriate because at the outset, no admission had been made by Applicants that FIGs. 1-7E qualify as statutory prior art usable in a rejection of the claim of the instant application. Instead, Applicants have labeled FIGs. 1-7E as "Conventional Art" to distinguish Applicants' invention from that which is not Applicants' invention. At least for this reason, Applicants respectfully request that those rejections be withdrawn.

Notwithstanding the above, while not conceding to the Examiner's rejection, but merely to expedite prosecution, as the Examiner will note, independent claim 1 has been amended to recite a combination of elements including "the second passivation layer being formed of organic insulating material" and "a transparent pixel electrode on and directly contacting the second passivation layer". Applicants respectfully submit that this combination of elements as set forth in amended independent claim 1 is not disclosed or suggested by FIG. 5 of the instant application.

In particular, FIG. 5 of the instant application discloses that a reflective electrode 19a is formed on an organic passivation layer 43; an inorganic passivation layer 47 is formed on the reflective electrode 19a; and a pixel electrode 19b that contacts the exposed reflective electrode 19a is formed on the inorganic passivation layer 47. (see paragraph [0007]). However, FIG. 5 of the instant application fails to disclose the combination of "the second passivation layer being formed of organic insulating material" and "a transparent pixel electrode on and directly

contacting the second passivation layer" (the organic layer) as set forth in amended independent claim 11, because FIG. 5 shows that the pixel electrode 19b does not directly contact the organic passivation layer 43. Since FIG. 5 of the instant application fails to teach each and every limitation of independent claim 11, Applicants respectfully submit that amended independent claim 11 is not anticipated by FIG. 5 of the instant application.

In addition, claims 12-15 depend directly from independent claim 11, and are therefore allowable based on their respective dependence from independent claim 1 which is believed to be allowable.

In view of the above remarks, Applicants respectfully submit that claims 11-15 clearly define the present invention over the Figures relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 16-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over FIG. 5 of the instant application in view of Chung et al. (US PGPub 2001/0022634). Claims 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over FIG. 5 of the instant application in view of Murade (US PGPub 2002/0118322). Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over FIG. 5 of the instant application in view of Murade, and further in view of Gu (U.S. Patent No. 6,157,426). These rejections are respectfully traversed.

The Examiner relied on FIG. 5 of the instant application in view of other references to reject claims 16-20 under 35 U.S.C. § 103(a). As noted above, those rejections are inappropriate because at the outset no admission had been made by Applicants that FIGs. 1-7E qualify as statutory prior art usable in a rejection of the claim of the instant

application. At least for this reason, Applicants respectfully request that those rejections under 35 U.S.C. § 103(a) be withdrawn.

Applicants also respectfully submit that the Chung et al. reference is a disqualified reference because the instant application and the Chung et al. reference were owned by the same assignee, LG.Philips LCD Co. Ltd. at the time the invention was made. According to 35 U.S.C. §103(c),

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Since the Chung et al. reference qualifies as prior art only under 35 U.S.C. §102(e), Applicants respectfully request that the Examiner remove the Chung et al. reference under 35 U.S.C. §103(c) and that those rejections relying on the Chung et al. reference be withdrawn.

With regard to the Examiner's reliance on FIG. 5 of the instant application in view of Murade, Applicants, notwithstanding the above, respectfully submit that claim 16 is patentable over FIG. 5 of the instant application in view of Murade. As noted above, FIG. 5 of the instant application discloses that a reflective electrode 19a is formed on the first passivation layer 43 of organic insulating material. Accordingly, FIG. 5 of the instant application fails to disclose a combination of elements including "the first passivation layer being formed of an inorganic insulating material" and "forming a reflective electrode on the first passivation layer" as set forth in claim 16.

Murade also fails to cure the deficiencies of FIG. 5 of the instant application. In fact, Murade is not directed to a reflective or transfective type liquid crystal display device because FIG. 2 of Murade fails to disclose a reflective electrode. The data line 3 in FIG. 2 of Murade is a second light shielding film to protect the channel region of the thin film transistor from being exposed to incident and reflective light which would

otherwise cause a leakage current (see paragraph [0126] of Murade). However, the data line 3 in Murade cannot work as a reflective electrode for a reflective or transreflective type liquid crystal display device. Accordingly, Murade fails to disclose "forming a reflective electrode on the first passivation layer" as set forth in claim 16. In view of this, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to modify FIG. 5 of the instant application in view of Murade.

Accordingly, neither FIG. 5 of the instant application nor Murade individually or in combination teach or suggest the limitations of claim 16. Therefore, Applicants respectfully submit that independent claim 16 clearly define over the teachings of FIG. 5 of the instant application in view of Murade.

With regard to the Examiner's reliance on Gu, this reference has only been relied on for its teachings of the second passivation layer formed of an organic insulating material including benzocyclobutene (BCB). Gu fails to disclose the above aspects of the present invention. Accordingly, Gu fails to make up for the deficiencies of FIG. 5 of the instant application.

In addition, claims 17-20 depend directly from independent claim 16, and are therefore allowable based on their respective dependence from independent claim 16, which is believed to be allowable.

In view of the above remarks, Applicants respectfully submit that claims 16-20 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the

Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

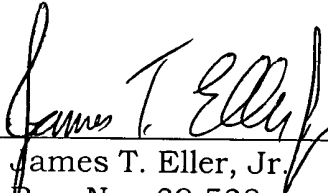
In the event there are any matters remaining in this application, the Examiner is invited to contact James T. Eller, Jr., Registration No. 39,538 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


James T. Eller, Jr.
Reg. No. 39,538

JTE:sld

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000